IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 35370 of 2007(I)

RCP.23/2005 of MUNSIFF'S COURT, TIRUR
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PETITIONER:

MULLAN MADAKKAL KUNHIMUHAMED,
S/O.BEERANKUTTY, TANALUR AMSOM,
AREEKAD DESOM, TIRUR TALUK.

BY ADV. SRIC.M.MOHAMMED IQUABAL

RESPONDENT:

KAVUMPURATH ALIKUTTY,
S/O.KUNHEEN, TIRUR TALUK, PONMUNDAM AMSOM
DESOM, PIN-676 106, MALAPPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR &

K.P.BALACHANDRAN, JJ.

W.P.(C) NO. 35370 OF 2007-I

Dated 29th November, 2007.

JUDGMENT

Balakrishnan Nair, J.

The writ petitioner is the respondent in R.C.P.No.23/2005 before the Rent Control Court, Tirur. After the closure of evidence of both sides, certain petitions filed by the petitioner were dismissed by the learned Rent Controller. Challenging those orders, this writ petition under Article 227 of the Constitution of India is filed.

2. Exts.Exts.P1 and P6 applications were filed to receive two documents. Exts.P9 and P12 applications were filed to recall P.W.1 and R.W.1 respectively. Ext.P3 application was filed to reopen the evidence in the case. The Rent Controller found that all these applications were filed belatedly and the grounds urged in the affidavits filed in support of them were not sufficient to grant the reliefs. Based on that finding, those applications were dismissed. The learned counsel for the petitioner submits that the evidence from his side has been shut out, as a result of the

impugned orders and therefore, serious prejudice is caused to him.

3. We notice that all the orders passed by the learned Rent Controller are within jurisdiction. This Court can interfere with the impugned orders, if only they were shown to be outside the jurisdiction of the court below. Further, we notice that if ultimately the Rent Control Petition is allowed and the petitioner files an appeal, he can urge in it as a ground that his applications mentioned above were dismissed unjustifiably and they should have been allowed. In view of the above position, it is unnecessary for this Court to entertain this writ petition. Accordingly, it is dismissed without prejudice to the contentions of the petitioner.

K.BALAKRISHNAN NAIR, JUDGE.

K.P.BALACHANDRAN, JUDGE.

Nm/